

# AGENDA TEXCOM MEETING

Trusts and Estates Section  
State Bar of California  
Saturday June 14, 2008  
Oakland Airport Hilton

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*"True, I can't take it with me, but I can take the access codes to it."*

**I. WELCOME, INTRODUCTIONS, AND REPORTS OF CHAIR/VICE CHAIR AND ADMINISTRATOR (15 minutes)**

- A. Welcome [Stern]
- B. Approval of Minutes of May 2-4 Meeting [Stern]
- C. Report of Chair (5 min)— [Stern]
- D. Report of Vice Chair (5 min)  
Finance and Budget – Financial Report;  
Confirmation of 2008-9 Calendar [Tong]
- E. Nominating Committee: Report on TEXCOM Appointments [HARTOG]
- E. Report of Section Administrator [Orloff]  
Participation in Annual Meeting Nightclub

**COMMITTEE, TASK FORCE, AND LIAISON REPORTS**

**II. LEGISLATION (60 minutes) [COREY-REGGIARDO]**

- A. Timeline for TEXCOM legislative proposals—
- B. Priorities for Bills Presently in Legislature
- C. Mandatory procedures re legislative proposal format
- D. Mandatory procedures re position papers format
- E. Online Bill Tracking legislative information:  
[www.leginfo.ca.gov/](http://www.leginfo.ca.gov/) [GO TO THIS SITE FOR TEXTS OF ANY BILLS  
THAT HAVE NOT BEEN UPLOADED TO THE AGENDA PACKET]  
CapitalTrack sites (See Legislation Committee Workroom Folder)

**IMPORTANT GUIDELINES:**

- Please use approved format for legislative proposals.
- Please use approved comment form for legislation comments.
- Always write to Saul Bercovitch, not directly to a member of legislature or legislative staff.
- Contact our lobbyist Ray LeBov for hands on assistance in Sacramento
- Confirm testimony needs with Legislation Chair.
  - If you agree to testify, be there unless otherwise notified.

**Bills, by Subcommittee:**

**(1) Trust-Estate Administration**

- a. AB 171 (Beall) Filing Fees [POTTS]
- b. SB 1421 (Harman-Trust admin-Inc. and Principal) [BURGER]  
Recommendation: Support if amended
- c. AB 2642 (Niello-Unclaimed Property)  
Recommendation: Follow [SCHENONE]
- d. SB 1319 (Machado-Unclaimed Property)  
Recommendation: Follow [SCHENONE]

**(2) CLRC:**

- a. SB 1264 (Harman—Wills and Trusts—NO CONTEST)

**Recommendation: SUPPORT IF AMENDED [HORTON]**

**(3) Estate Planning**

**a. SB 685 (Yee-Pet Trust) Recommendation: Support [SCHENONE]**



**Happy beneficiary of pet trust, learning of TEXCOM support for SB 685, reviewing new accounting provisions with his counsel.**

**b. AB 2248 (Spitzer-Formal Will Witness Requirements-Harmless Error)**

**TEXCOM BILL: Support [REGGIARDO]**

**c. AB 2452 (Davis-Notaries-Fees and Educational Requirements)**

**Recommendation: Follow [EHRMAN]**

**d. SB 1066 (Migden-Domestic Partnerships) [SCHROFF]**

**Recommendation: Follow**

**e. SB 1396 (Cox-Recording Fees) [EHRMAN]**

**Recommendation: Follow**

**f. AB 3000 (Wolk-Health Care Decisions) [SCHENONE]**

**(4) Incapacity**

**a. SB 1140 (Steinberg-Financial Abuse) [COREY]**

**b. SB 1259 (Margett-Crimes against elders and dependent adults) [LODISE]**

- c. AB 225 (Beall—TROs, elder abuse)  
Recommendation: Follow [LEE]
- d. AB 2014 (Tran—Out of state property)  
TEXCOM bill [TONG]
- e. SB 1215 (Harman-Professional Fiduciaries)  
Recommendation: Support, with  
Our amendments [LAWSON, MATULICH, GREEN]
- f. SB 483 (Kuehl-Medi-Cal DRA Implementation)  
Recommendation: Follow [STERN]

**(5) Conservatorship Working Group**

- a. SB 800 (Corbett-Conservatorships-JC Task Force) [LODISE]  
Recommendation: OPPOSE UNLESS AMENDED

**6) Educating Seniors**

- a. AB 2149 (Berg-Investment Advisors)  
Recommendation: Follow [SALLUS]
- b. AB 2150 (Berg-Sales Designations) [SALLUS]

**III. ESTATE PLANNING (35 minutes) [MacDONALD]**

- A. Formal Will Witness Requirements(see Legislation) [REGGIARDO]
- B. Pet Trust Legislation (see Legislation) [SCHENONE]
- C. Rule against perpetuities (1 minute) [GAW]
- D. Statutory Power of Attorney—PC 4462(b), 4264(d),  
4457(d)—Conformity of powers issues (15 minutes) [HOWARD]
- E. Anti-Lapse Statutes—Conflict with Intentional  
Disinheritance—PC 21110, 21111 (10 minutes) [EHRMAN]
- F. In Re Marriages (10 minutes) [REGGIARDO]

**IV. TRUST - ESTATE ADMINISTRATION (90 minutes) [BURGER]**

- A. Trustee notification issue (PC 16061.7) (40 minutes) [LAWSON; BAER]
- B. Accounts & Reports (30 minutes) [GAW, EHRMAN]
- C. Section 16350; Hasso v. Hasso (5 minutes) [SCHENONE]
- D. 15400 et seq.: Trust reformation project and  
Related matters (10 minutes) [REGGIARDO]

LUNCH

**V. ETHICS ( 5 minutes) [LODISE]**

- A. RRC : Status of rule reform

**VI. ELECTIVE ADMINISTRATION OF TRUSTS AND ESTATES  
[BURGER/HARTOG] (1 minute)**

**VII. CONFERENCE OF DELEGATES (2 minutes) [HENDEN]**

- A. Status of Follow Up from Retreat Decisions of TEXCOM

**VIII. EDUCATING SENIORS ( 10 minutes)**

**[SALLUS]**

- A. Senior Information Cards
- B. Speakers Bureau Update

**IX. CLRC (30 minutes)**

**[HORTON]**

- A. Restrictions on donative transfers-Report on CLRC meeting
- B. Attorney-client privilege after death-Status
- C. No Contest Clause

**X. CEB (3 minutes)**

**[GOOD]**

**XI. QUARTERLY (5 minutes)**

**[HAYES]**

**XII. EDUCATION (10 minutes)**

**[ITO]**

- A. “Battling Fiduciaries”—report on 5/30, 6/13 programs
- B. Monterey Annual Meeting Programs
- C. Roadshow: LA, 11/13/08
- D. SEI: 1/09
- E. Your Legal Rights

**[EHRMAN]**

**XIII. LITIGATION (10 minutes)**

**[ZABRONSKY]**

- A. Trustee notification issue—see Item

**XIV. MEMBERSHIP AND MARKETING (10 minutes)**

**[LAWSON]**

- A. Liaison with other Sections to expand program outreach
- B. Update of Section’s Marketing Materials

**XV. NCCUSL (3 minutes)**

**[FITZPATRICK]**

**XVI. INCAPACITY COMMITTEE (20 minutes)**

**[LODISE]**

- A. Professional Fiduciaries Bureau
- B. Bills to Watch: See Item 3, Legislation
- C. Probate Code section 1470 (Appointed counsel for the already Represented)
- D. Uniform National Guardianship and Protective Proceedings Jurisdiction Act

**[Matulich]**

**[Beltran-Lee]**

**XVII. CONSERVATORSHIP WORKING GROUP (10 minutes) [COREY]**

See Item 3, Legislation.

- A. AB 2247: New Approach for our conservatorship investment project [Stern]

**XVIII. INCOME/TRANSFER TAX (10 minutes)**

**[JAECH]**

- A. California fiduciary income tax developments [HAYES]
- B. News on the Estate Tax Front

**XIX TECHNOLOGY (5 minutes)**

**[GAW]**

A. E-News

B. Workroom issues

**XX . NEW BUSINESS**

**XXI COMING ATTRACTIONS**

**NEXT TEXCOM MEETING**

**July 19, 2008**

**LAX Marriott-or other hotel—if needed**

**ANNUAL MEETING: MONTEREY, September 25-28**

**ORIENTATION, September 27, 1-4pm**

**MEETING OF NEW**

**SUBCOMMITTEE CHAIRS, September 27, 4 pm**

**COCKTAILS AND DINNER, FRESH CREAM,**

**September 27, 2008, 6pm-9pm**

**TEXCOM meeting, Marriott, 9 am-3 pm,**

**September 28, 2008**